

**AFFIDAVIT OF SERVICE BY THE SECRETARY OF STATE**

Index # 07 CIV 9546

State of New York, U.S. District Court-Southern Dist. of New York

Purchased/Filed: October 25, 2007

County of Judge Daniels

RLI INSURANCE COMPANY,

Plaintiff

against

JDJ MARINE, INC.,

Defendant

STATE OF NEW YORK, COUNTY OF WARREN, SS.:

Sarah Roberts, being duly sworn, deposes and says: deponent is over the age of twenty-one (21) years; deponent is not a party herein; that on October 29, 2007, at 2:12PM, at the office of the Secretary of State of the State of New York, at 41 State Street - 2nd Floor, Albany, New York 12207, deponent served the annexed:

Summons in a Civil Action

J.D.J. MARINE, INC., sued herein as JDJ MARINE, INC.

Defendant in this action, by delivering to and leaving with Donna Christie

AUTHORIZED AGENT in the Office of the Secretary of State of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40.00 dollars; that said service was made pursuant to Section 306 Business Corporation Law, ☐; and via Registered Mail sent on \_\_\_\_\_, receipt attached.

The Index No. and the date the action was filed were clearly marked and visible to the defendant.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

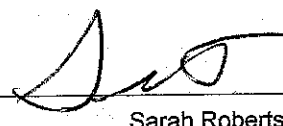
Description of the person served: Approx. Age: 43 Approx. Weight: 155 Approx. Ht.: 5'7

Sex: Female Color of skin: White Color of hair: Blonde Other: \_\_\_\_\_

Sworn to before me on this 29th day of October 2007

  
LINDA J. FULLER

NOTARY PUBLIC, State of New York  
No. 01FU6137505, Warren County  
My Comm. Exp. November 28, 2009

  
Sarah Roberts

Cust. #/ WO # 70748

## AFFIDAVIT OF SERVICE

Ref# 70748 B

US District Court Southern District County Index/Case # 07 CIV9546 Filing Date 10/25/07

RLI Insurance Company

## Plaintiff

JDJ Marine, Inc.

## Defendant

Hudson County, State of New Jersey, Manny Bayo being sworn,  
says: Deponent is not a party herein; is over the age of 18 years and resides in the State of New Jersey

On 10/29/07 at 815 PM am/pm at 114 Palisade Avenue, Emerson NJ 07630

Deponent served the within Summons in a Civil Action

On: David Sommerhalter (herein after called the recipient) therein named.

- ☒ **Individual** By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein.
- ☐ **Suitable Age person** by delivering thereat a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is defendants ☐ Actual Place of Residence ☐ Actual Place of Business within the State
- ☐ **Affixing to Door** By affixing a true copy of each to the door of said premises which is defendants ☐ Actual Place of Residence ☐ Actual Place of Business, within the State  
Deponent was unable with due diligence to find defendant or person of suitable age and discretion thereat having called there \_\_\_\_\_
- ☐ **Corporation or Partnership** by delivering thereat a true copy of each to \_\_\_\_\_ personally. Deponent knew said corporation / partnership so served to be the corporation / partnership described in said aforementioned document as said defendant and knew said individual to be \_\_\_\_\_ thereof.
- ☐ **Mailing** Within 20 days of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known ☐ Actual Place of Residence ☐ Actual Place of Business, at \_\_\_\_\_ and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.
- ☒ **Description**
- |  |  |   |   |   |   |
|--|--|---|---|---|---|
| <input checked="" type="checkbox"/> Male | <input checked="" type="checkbox"/> white skin | <input type="checkbox"/> black hair           | <input type="checkbox"/> 14-20 Yrs            | <input type="checkbox"/> Under 5'             | <input type="checkbox"/> < 100 Lbs              |
| <input type="checkbox"/> Female          | <input type="checkbox"/> black skin            | <input type="checkbox"/> brown hair           | <input type="checkbox"/> 21-35 Yrs            | <input type="checkbox"/> 5'0"-5'3"            | <input type="checkbox"/> 100-130 Lbs            |
|  | <input type="checkbox"/> yellow skin           | <input checked="" type="checkbox"/> gray hair | <input checked="" type="checkbox"/> 36-50 Yrs | <input checked="" type="checkbox"/> 5'4"-5'8" | <input type="checkbox"/> 131-160 Lbs            |
|  | <input type="checkbox"/> brown skin            | <input type="checkbox"/> blonde hair          | <input type="checkbox"/> 51-65 Yrs            | <input type="checkbox"/> 5'9"-6'0"            | <input checked="" type="checkbox"/> 161-200 Lbs |
| <input type="checkbox"/> Glasses         | <input type="checkbox"/> red skin              | <input type="checkbox"/> red hair             | <input type="checkbox"/> Over 65 Yrs          | <input type="checkbox"/> Over 6'              | <input type="checkbox"/> Over 200 Lbs           |
|  |  | <input type="checkbox"/> bald(ing)            |   |   |   |

Other Identifying Features \_\_\_\_\_

- ☒ **Military Service** I asked the person spoken to whether defendant was in active military service of the United States or the State of New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Subpoena Fee Tendered in the amount of \_\_\_\_\_

Sworn to before me on

10/30/07  
JESSIE PUBLIC OF NEW JERSEY  
2/24/10

Deponent's (Server) Signature

Attorney Info/Client Info

Nicolletti, Hornig, Campise  
88 Pine Street, 7th Floor  
New York, NY 10005  
212 220 3830